IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1525 OF 2005

Tajamul Issak Shaikh ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Samrat H. Jadhav, for the Applicant.

Ms.P.H. Kantharia, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

7th March 2005

P.C.:

. Heard Counsel for the parties. As there is ample material on record to indicate complicity of the Applicant in the commission of the crime, amongst others, the Applicant has been identified by the complainant and other prosecution witnesses travelling in the bus; that the Applicant possessed mobile telephone of his own which was also used to make calls to West

Bengal and also that the Applicant was absconding for almost three months and came to be arrested in West Bengal, not a case for bail. The Court below has rightly distinguished role of the Applicant to the role of the co-accused who have been released on bail only because they are the recipients of the stolen property, whereas the Applicant has himself taken part in the commission of the main crime. In the circumstances, this bail application is rejected.

. As prayer for bail is rejected, the Sessions Judge, Thane, is directed to assign the case to the Fast Track Court, if not already done, to ensure early disposal of the trial as High Court Expedited Case. The trial Court, if it thinks appropriate, may separate the trial of the present Applicant from the absconding accused and proceed in accordance with law. The trial Court to decide the matter on its own merits in accordance with law.

(A.M.KHANWILKAR,J.)